



July 13, 2005

Noteworthy:

“And in terms of the process, we're still consulting with members of the Senate, and I anticipate continued consultations. And I say we're consulting, it's just not me; it's members of my staff. We're -- we've got a lot of contacts in the Senate on both sides of the Hill -- both sides of the aisle, and people are calling in with suggestions. And I encourage them to continue to do so. I'm looking forward to their advice.”

“The American people can rest assured that I understand the seriousness of this responsibility, and that I will name somebody who will bring dignity to the Court, someone who will be able to do the job, and someone who will sit on that bench and interpret the Constitution and not use the bench from which to legislate. “

-President Bush, Remarks After Meeting with his Cabinet, 7/13/05

Majority Leader Bill Frist, M.D.
A Nominee and a Process to Make America Proud
Floor Statement
July 13, 2005

Mr. President, this morning I would like to speak briefly about confirming a new Supreme Court justice. As we have seen, the process is off to a great start. Consultation between the President and the Senate is ongoing.

The President and his staff are reaching out to Senators from both parties to listen to their suggestions – through both phone calls and in-person meetings. To date, they have contacted more than 60 Senators, more than two-thirds of the Democratic caucus, and every member of the Judiciary Committee.

The President’s approach has been bipartisan and unprecedented in scope. And I commend him for this effort. As we look ahead, I encourage each Senator to reflect upon the nominee we will consider and the confirmation process we will undertake.

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As Senators, confirming a nominee to the Supreme Court is one of our highest Constitutional duties. The new justice – whomever the President chooses – will influence American law for years to come. He or she will impact the lives of millions of Americans.

And I think we as Senators should ask ourselves: What kind of justice does America expect on the Supreme Court? I am confident that President Bush will choose a qualified nominee who will make America proud. Someone of demonstrated character and integrity. Someone who is fair, intelligent, open-minded, and impartial.

He or she will listen to the merits of every case and make a determination based on the facts, the law and the Constitution – not driven to pre-judge cases, pre-determine outcomes or advance a personal political agenda. The nominee will treat litigants and their attorneys fairly and with dignity and respect. And above all, this person will uphold the Constitution and be fully committed to equal justice under the law.

I am confident of all these things. Because every day I have seen the care and seriousness and thoughtfulness that President Bush brings to this task.

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In addition to considering the type of nominee that America expects, I also encourage my colleagues to ask themselves: What kind of Supreme Court confirmation process does America expect in the Senate?

The American people, through their votes, have put their trust in us. They have entrusted us to govern as their elected representatives. And history will reflect on the Senate's deliberations – how Senators conduct themselves, how we treat a nominee and how we reach a decision. We owe it to the American people to conduct a fair process that treats nominees with dignity and respect.

It should include a fair hearing, a floor debate in which all views are heard, and then an up or down vote on confirmation. This process should not become a trial. It is a process by which we examine the character and credentials of someone willing to volunteer to serve America on its highest court.

In the past, the judicial nominations process has been marked by partisan obstruction and attacks on the character and integrity of nominees. I hope that we have put this kind of painful and humiliating process behind us.

Given the monumental role that this nominee will play – sitting on America's highest court – we need the best of the best legal minds. That requires a process that will not deter the best of the best from serving.

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A fair and dignified nominations process requires civility, common sense, and some self-restraint. As we consider the nominee that will soon come before us, I encourage my colleagues to focus on questions that are relevant to the nominee's qualifications and experience.

Questions like: Will the nominee be fair, independent, and unbiased? Will the nominee consider each case before the Court with an open mind, examining the facts, the law and the Constitution very carefully? Will the nominee place the Constitution and the law above personal political ideology? Will the nominee approach his or her role as a justice as an interpreter of the law and the Constitution and not as a lawmaker who will legislate from the bench? Is the nominee qualified to serve on our highest Court? Does he or she have the necessary experience to serve as a Supreme Court justice?

These are the questions that nominees should be asked to answer honestly and thoroughly. They should not be asked to pre-judge cases or to speculate on how they would rule on a hypothetical scenario that may or may not come before the Court.

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I look forward to working with my colleagues on both sides of the aisle in the coming weeks. And we should work together to conduct the kind of confirmation process that America expects from its elected representatives: a fair and thorough confirmation process that treats nominees with dignity and respect and confirms a new justice before the Supreme Court starts its new term on October 3.

I'm confident that the President will nominate someone who will make America proud and someone who will be worthy of the seat he or she will fill. This is what the American people expect, what our justice system needs, and what our nation and the nominee deserves.
